

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|--------------|
| MARIELENA R., | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| LELAND DUDEK, | : | |
| Acting Commissioner of the | : | |
| Social Security Administration, | : | |
| Defendant | : | NO. 24-1006 |

ORDER

AND NOW, this 17th day of March 2025, for the reasons contained in the court's Memorandum, it is hereby **ORDERED** that Plaintiff's Request for Review is **GRANTED**, and, this matter, pursuant to **sentence four** of 42 U.S.C. 405(g), is **REMANDED** to the Commissioner. Upon remand, the ALJ shall explicitly and properly determine whether Plaintiff's documented number of migraine headaches during the relevant period medically equals Listing § 11.02. In doing so, he must expressly acknowledge that the documented frequency of Plaintiff's migraine headaches far exceeds the minimum requirements in Listing § 11.02, paragraph B. If the ALJ rejects Plaintiff's testimony about the frequency of her migraine headaches, despite compliance with treatment, he must identify substantial evidence in the record to justify that determination.

IT IS SO ORDERED.

BY THE COURT:

/s/ Carol Sandra Moore Wells
CAROL SANDRA MOORE WELLS
United States Magistrate Judge